1984 ANNUAL REPORT

FARMERS' ADVOCATE

Alberta
AGRICULTURE

85-3747/

OFFICE OF THE

FARMERS' ADVOCATE OF ALBERTA

1984

ANNUAL REPORT

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Honourable LeRoy Fjordbotten,
Minister of Agriculture,
Legislature Building,
Edmonton, Alberta.

The Honourable LeRoy Fjordbotten:

I have the honour to submit the Annual Report of the Farmers' Advocate of Alberta activities for the period January 1, 1984 to December 31, 1984.

Sincerely,

HELMUT P. ENTRUP
FARMERS' ADVOCATE OF ALBERTA

February 7, 1985.

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GENERAL COMMENTS

During 1984 the Office of the Farmers' Advocate of Alberta has continued to respond to the needs of the rural Alberta farming community. Our role as mediator is ever expanding as the other participants of our society that deal with our rural residents have an increased appreciation for the fair and even-handed manner in which we deal with the settlement of disputes.

Last year turned out to be one of inclement weather conditions with the southern portion of Alberta having one of the driest years on record. Dry weather accompanied by grasshoppers and a shortage of water in some irrigation districts, accompanied by the ever present problem of high interest rates and low commodity prices, combined to create severe hardship for many Alberta farmers.

Many of the farmers involved in financial difficulties which sometimes meant bankruptcies or receiverships, contacted our Office. While it is beyond the power or function of this Office to be of major assistance to these people, it was gratifying in many cases to be able to assist these people in increasing their awareness of their options. In some instances our Office was able to get a review of the farmer's case by the lending agency involved. In several cases intercession by our Office resulted in families remaining in their homes and getting a year's reprieve from the lending agency. I would like to express my satisfaction of the excellent working relationship that has developed between my Office and that of the new Provincial Ombudsman. I would also like to thank all those involved in farm organizations in the Province as well as all M.L.A.'s and others too numerous to mention, who have assisted us in our work in the past year.

During the past year the Farmers' Advocate has spent a great deal of time with the representatives of the Rural Electrical Associations. Many meetings have been ongoing between the power companies, the Rural Electrical Association representatives, individuals from the Department of Utilities and Telecommunications, and the Farmers' Advocate, to try and come to an agreement on an improved contract between farmers and power companies. One of the primary options sought has been that of putting farmers in the position to arrange for their own contracting and handling their own deposit reserve accounts if they so choose. Much progress has been made but at the writing of this report total agreement has not yet been reached.

One of the pressing needs in this Province in our view is the need to put in place legislation that would protect the farmers' right to farm, legislation that would protect the farmer from nuisance suits, etc. initiated by non-farming people moving into farming areas. Many urban people wish to live in rural settings but do not want to tolerate the smell of livestock or chemicals which are part and parcel of every day rural life, in other words they prefer farms without farmers.

The Farmers' Advocate has gathered together from the Congressional Library in Washington, D.C., U.S.A., material that is presently in place in over thirty States on Right-To-Farm Legislation in the United States. It is also interesting to note that a Private Members Bill encompassing Right-To-Farm Legislation was introduced into the Ontario Legislature last year.

This past year there were three very noteable legal cases in Alberta that gained much publicity, all sought to interfere with the farmer's right to carry on a livestock operation as he normally had through the years. While the farmers won all their cases to date, democracy has not been without its costs to them. It has been suggested to me, and I think with good reason, that it would be appropriate to make it mandatory for non-farmers to sign a Certificate of Compliance before moving into a farm area, an acknowledgement that they will accept those elements that are part of normal farm practises. We will continue to pursue this matter in the coming year.

Another area of concern to us is the increased number of inquiries the Office is receiving from owners of freehold minerals in the Province. One of our chief concerns in this area is the amount of processing and transportation charges that are being deducted from the landholders' royalty share. In one case that has come to our attention the farmer had his minerals leased for a 12½% royalty share, it was noteable that when the processing and transportation costs (capitalization on processing plant, etc.) were deducted, the actual return amounted to less than 1½% royalty share.

A continuing problem in some areas of the Province is the destruction of farmers' feed supplies by deer and elk. Several ranchers have reported herds of deer, numbering 100 or more, causing considerable damage. While the Department of Fish and Wildlife has used various methods in an attempt to resolve the problem, we are sad to report that it still exists.

Landowners ask if, in fact the animals belong to the Crown, why does the Crown not look after them. On the other hand, if the Crown takes no responsibility for the care and feeding of these animals, landowners ask why they cannot handle and deal with this problem as they see fit. These questions still beg an answer that will not be easily resolved.

SURFACE RIGHTS

Surface rights continues to be one of the Office's major areas of involvement although the frequency and the nature of the problems have changed to some degree since the proclamation of the new Surface Rights Act.

It was a busy year again with many requests coming to the Office for information and speaking engagements on the new Surface Rights Act. Many meetings were conducted with the cooperation and participation of members of the Surface Rights Board, and we would like to take this opportunity to thank them for their cooperation and input. One matter that is worthy of note and causes our Office concern is the fact that the Surface Rights Board has expressed that they cannot enforce the conditions they attached to a Right-of-Entry Order.

Other areas of concern that have been brought to our attention in the past year are that companies are trying to bypass the Surface Rights Act Right-of-Entry Fee and make a private agreement with farmers to put disposal sumps on their property and only pay them for damages.

Power lines continue to be a problem and disruption caused by power lines across farmers' fields to well sites is something that needs to be addressed in greater detail in the ensuing months.

1984 saw the completion of negotiations between the farm organizations, the Alberta Surface Rights Federation, and the energy industry, and the Farmers' Advocate Office on the new Surface Lease Document. Agreement was reached, compromises were made by all sides, but it is our opinion that rural landowners will have an improved Surface Lease Document to use for the future.

At the time of writing of this report the document is with one of the top contract law people in the Province getting its final legal polish and it should be available to the public by the time this Annual Report is tabled.

There is every indication that the energy industry is on the move in our Province again and that the coming year may see near record drilling activity. Our Office will do its utmost to rise to the occasion.

SEISMIC

A rise in drilling activity in the last year has also led to an increase in seismic activity. In recognition of the energy emanating from large vibreosis equipment and its potential for damage to water wells, our Office was successful in lobbying the Department of Energy and Natural Resources who have seen fit to double the minimum distance requirement that vibreosis must stay away from water wells and cement structures.

Damage disputes continue to arise with frequent trespass situations being brought to our attention. The wider circulation, and we might add voluntary presentation by seismic operators of our publication "Seismic Operations & Farmers' Rights" has given the farming community a better understanding of the seismic regulations which has led to a reduction in problems.

One major area of concern to the Office is the fact that the regulations pertaining to seismic activity are subject to various interpretations when it comes to the rights and responsibilities that exist between renters and landowners.

We print the following excerpts from Alberta Regulation 423/78 - being the Exploration Regulation - to illustrate our point.

3(1) (a) No person shall conduct exploration on land owned by a person other than the Crown, except with the consent of the person having lawful possession of the land or that person's agent.

3(2) Notwithstanding Subsection (1) (a), where
(a) The exploration to be conducted on any land other than Crown land entails the cutting of trees or the commission of waste on the land, and
(b) The person in lawful possession does not have the right to cut trees or commit waste, as the case may be, on that land.

no person shall conduct the exploration on that land except with the consent of the owner who has that right or his agent.

3(3) Subsections (1) and (2) shall not be construed as removing the necessity to obtain a consent to conduct exploration on any land from any person not referred to in those subsections, if that person's consent is required by law.

The person "having lawful possession of the land" may be a lessee who holds the land under a valid agricultural lease. That lease may not, and often is not registered against the title so that the operator seeks out and deals with the owner of the land since his name shows on the municipal map. At this point several scenarios can develop - - the occupant may not know of seismic activity till months later if he was away at the time of the activity. When the occupant does find out, a dispute over payment may arise between himself and the owner or a dispute may arise between either the owner or renter, depending who was paid, and the company.

We believe changes in wording of the regulations would be beneficial.

WATER WELL RECOVERY PROGRAM

This continues to be a major program for our Office and whenever seismic and/or drilling activity increases so do complaints about water well damage.

Complaints in this area have in all likelihood been increased in the past year because the drought and recent dry years have led to a general lowering of ground water levels. This has resulted in a diminishing water supply in many areas that may, in some instances, have been confused with disruption due to seismic activity.

We would like to express our appreciation to the Groundwater Branch of the Department of Environment, the Geophysical Branch of the Department of Energy and Natural Resources, as well as the local Agricultural Development Corporation Chairmen for their assistance.

All of the above have provided our Office with the expertise and assistance necessary to accomplish our task.

RURAL MUNICIPALITIES

Our Office has continued to have a good working relationship with the Municipal Governments in the Province. We are proud of the confidence which the Municipalities have shown in our Office as demonstrated by their willingness to abide by our recommendations.

The Farmers' Advocate will continue to mediate when requested to by either local governments or ratepayers. It will continue to draw on its many years of experience in this area, which I think is one of good judgment and fair play.

LIVESTOCK PREDATOR INDEMNITY PROGRAM

This Program, which was previously named "Livestock Disaster and Predator Indemnity Program", has been reduced to the "Livestock Predator Indemnity Program" since insurance became available at reasonable rates that would cover most livestock disasters.

Any livestock owner in Alberta can appeal to the Farmers' Advocate on a predator kill, or alleged predator kill, that has been turned down previously by this Committee or the Fish and Wildlife Division of the Department of Energy and Natural Resources.

Predator damage continues to be a difficult thing for livestock owners to deal with in many areas of the Province. For a farmer to be paid for any livestock loss, his loss has to be confirmed by an inspector which can be someone from the Fish and Wildlife Division, the County Fieldman, R.C.M.P., etc. This is sometimes difficult to do as often the remains are completely eaten before the loss is noticed so it becomes increasingly important for the farmers to maintain a check on their herds.

It is the feeling of the Farmers' Advocate Office that actual livestock losses to farmers are far in excess of the confirmed kills which they are compensated for.

The Farmers' Advocate does not propose an answer to this problem, we only make this comment as an observation. However we do feel that priority should be given to basic food producers when that food production is put in jeopardy by predators.

RURAL CRIME WATCH

Since the Farmers' Advocate in conjunction with the Alberta Cattle Commission and the Western Stockgrowers Association are the sponsoring bodies for the Rural Crime Watch movement, our Office continues to work closely with the R.C.M.P. and the Stockmens Groups to encourage the Rural Crime Watch concept.

The past year has not brought any major scandals to our attention as the year before did. However vandalism and theft continue to be a problem, especially in areas bordering major centres. It is our intention to increase our focus in this area in the coming year.

With over eighty local organizations and a membership of over fourteen thousand active members, we help the local organizations when asked to assist in speaking engagements and in dissemination of information, literature, etc. i.e. Farmers And The Law, Rural Crime Watch, Constitutions and By-Laws, Property Identification, etc.

OFFICE ADMINISTRATION

In 1984 the Office of the Farmers' Advocate of Alberta consisted of the following staff members:

Helmut P. Entrup	Farmers' Advocate of Alberta
Bard Haddrell	Assistant to the Farmers' Advocate of Alberta
Cliff Downey	Executive Assistant to the Farmers' Advocate of Alberta
Mary Leach	Secretary
Rosemarie Dobler	Secretary

I would like to take this opportunity to thank all my staff for their continued outstanding service which contributes to the efficiency and success of this Office.

INFORMATION AVAILABLE

Pamphlets entitled Negotiating Surface Rights and Seismic Operations & Farmers' Rights are available from our Office and all Extension Offices.

The publication Farmers & The Law is also available through this Office.

We can assist farmers when they call us to put them on the right track in regard to acquiring proper information. For information contact:

Farmers' Advocate of Alberta,
3rd Floor, J.G. O'Donoghue Building,
7000 - 113 Street,
Edmonton, Alberta.
T6H 5T6

Phone: 427-2433

MEETINGS - 1984

DATE	PLACE	DESCRIPTION
JANUARY		
6	Bruderheim	Negotiation Meeting
9 - 13	Edmonton	Unifarm Convention
9	Falher	Surface Rights Meeting
9	Pine Lake	Surface Rights Meeting
12	Drayton Valley	Rural Crime Watch Meeting
13	Alder Flats	Farm Meeting
16	Calgary	Cattle Commission Meeting
16	Rochester	Surface Rights Meeting
17	Alliance	Surface Rights Meeting
17	Holden	Surface Rights Meeting
19	Champion	Surface Rights Meeting
23	Bruderheim	Surface Rights Meeting
25	Medicine Hat	Surface Rights Seminar
30	Ponoka	Surface Rights Meeting
30	Grande Prairie	Livestock Disaster Hearing
31	Eaglesham	Surface Rights Meeting
31	Red Deer	Dairy Industry Meeting

MEETINGS (1984) CONTINUED....

DATE	PLACE	DESCRIPTION
FEBRUARY		
3	Calgary	Stockgrowers Annual Meeting
3	St. Paul	Water Well Hearings
7	Edmonton	Agriculture Service Board Conference
8	Mulhurst	Surface Rights Meeting
10	Grande Prairie	Stockgrowers Convention
10	Pincher Creek	Farmer Meeting
14	Olds	Surface Rights Meeting
14	Warburg	Surface Rights Meeting
15	Edremont	Rural Crime Watch Meeting
15	Ponoka	County Council Meeting
16	Lloydminster	Water Well Hearings
17	Grande Prairie	R.E.A. Meeting
18	Okotoks	Rural Crime Watch Meeting
20	Fairview	Surface Rights Meeting
20	Grande Prairie	Water Well Hearings
23	Lethbridge	Surface Rights Meeting
23	Foremost	Surface Rights Meeting
24	Holden/Bruce	Farm Meeting
27	Castor	Water Well Hearings
28	Metiskow	Surface Rights Meeting

MEETINGS (1984) CONTINUED.....

DATE	PLACE	DESCRIPTION
MARCH		
1	Stettler	Surface Rights Meeting
1	Entwistle/Carrot Creek	Cattle Commission Meeting
6	Coronation	Surface Rights Meeting
7	Strathmore	Water Well Hearings
9	Foremost	Surface Rights Meeting
12	Grande Prairie	Farmer Meeting
12	Newbrook	Rural Crime Watch Meeting
13	Calgary	Oil Company Meeting
13	Calgary	Utility Company Meeting
14	Nightingale/Calgary	United Farmers Meeting
16	Calgary	Seismic Meeting
19	Stony Plain	Water Well Hearings
20	Morinville	Surface Rights Meeting
21	Athabasca	Surface Rights Meeting
23	Vermilion/Provost	Water Well Hearings
26	Lomond	Surface Rights Meeting
27	Edmonton	Water Well Seminar
27-29	Red Deer	Municipal Convention

MEETINGS (1984) CONTINUED.....

DATE	PLACE	DESCRIPTION
APRIL		
3	Pincher Creek	Surface Rights Meeting
5	Castor	Gas Co-op Meeting
6	Vauxhall	Gas Co-op Meeting
9	Newbrook	Surface Rights Meeting
10	Stony Plain	Water Well Hearings
10	Bonnyville	Negotiation Meeting
11	Vegreville	Environmental Meeting
16	Keephills	Surface Rights Meeting
17	Drumheller/Delia	Surface Rights Meeting
17	Munson	Surface Rights Meeting
18-19	Red Deer	Dairy Pool Convention
24-25	Calgary	Environmental Seminar
27	Uncas/Cooking Lake	Farm Meeting
30	Redwater/Thorsby	Farm Meeting

MEETINGS (1984) CONTINUED.....

DATE	PLACE	DESCRIPTION
MAY		
1	Rimbey/Drayton Valley	Surface Rights Meeting
3	Nanton	Surface Rights Meeting
4	Brooks	Farm Meeting
4	Morningside/Eckville	Surface Rights Meeting
8	Calgary	Gas Blowout Meeting
11	Big Valley/Rumsey	Surface Rights Meeting
11	Leduc	Farm Meeting
14	Onoway	Gas Co-op Meeting
15	Valleyview	Surface Rights Meeting
16-17	Edmonton	Spring Planning Conference
16	Musidora	Farm Meeting
24	Calgary	Seismic Meeting
25	Castor/Fleet	Farm Meeting
31	Calgary	Negotiation Meeting

MEETINGS (1984) CONTINUED.....

DATE	PLACE	DESCRIPTION
JUNE		
2	Wildwood	Farm Meeting
4	Stettler	Water Well Hearings
4	Edmonton	Rural Electric Meeting
4	Hanna	Utility Company Meeting
5	Pincher Creek	Farm Meeting
8	Two Hills/Smoky Lake	Farm Meeting
12	Red Deer	Cattle Commission Convention
12	Grande Prairie	Water Well Hearings
13	Edson	Farm Meeting
14	Calgary/Strathmore	Surface Rights Meeting
15	Drayton Valley	Water Well Hearings
18	Sherwood Park	Farm Meeting
18	Grande Prairie	Rural Electric Meeting
19	Halkirk	Farm Meeting
19	Sherwood Park	Farm Meeting
21	Calgary	Geophysical Meeting
25	Grande Prairie	Rural Electric Meeting
26	Lethbridge/Milk River	Information Meetings
26-28	Red Deer	Rural Electric Meetings
28	Granum/Claresholm	Farm Meeting

MEETINGS (1984) CONTINUED.....

DATE	PLACE	DESCRIPTION
JULY		
4	Edmonton	Rural Electric Meeting
5	Rimbey	Farm Meeting
9-12	Athabasca	Service Board Meeting
11	Edmonton	Rural Electric Meeting
13	Redwater	Surface Rights Meeting
16-17	Edmonton	Rural Electric Meeting
16	Rimbey	Farm Meeting
20	Vegreville	Farm Meeting
23	Dapp	Surface Rights Meeting
27	Lacombe	Surface Rights Meeting
30	Olds	Water Well Hearings
30	Calgary	Geophysical Meeting

MEETINGS (1984) CONTINUED.....

DATE	PLACE	DESCRIPTION
AUGUST		
3	Grande Prairie	Water Well Hearings
8	Rocky Mountain House	Surface Rights Meeting
9	Calgary	Negotiation Meeting
9	Didsbury	Water Well Hearings
10	Camrose	Water Well Hearings
13	Grande Prairie	Water Well Hearings
14	Caroline	Surface Rights Meeting
27	Innisfail	Surface Rights Meeting
SEPTEMBER		
6	Lethbridge	Dairy Industry Meeting
7	Drayton Valley	Gas Blowout Hearings
13	Thorhild	Farm Meeting
18	Thorsby	Water Well Hearings
19	Calgary	Cattle Commission Meeting
20	Calgary	Surface Rights Meeting
26	Pincher Creek	Geophysical Meeting
26	Beaver Mines	Surface Rights Meeting

MEETINGS (1984) CONTINUED.....

DATE	PLACE	DESCRIPTION
OCTOBER		
3	Calgary	Geophysical Meeting
11	Bonnyville	Farm Meeting
15	Drayton Valley	Gas Blowout Meeting
16	Alsike/Lindale	Farm Meeting
23	Barrhead/Westlock	Farm Meeting
23	Lloydminister	Geophysical Meeting
24	Calgary	Surface Rights Meeting
24	Edmonton	Surface Rights Meeting
25	Edmonton	Rural Electric Meeting
26	Edmonton	Right to Farm Meeting
31	Bonnyville	Cattle Commission Meeting
31	Edmonton	Rural Electric Meeting

MEETINGS (1984) CONTINUED.....

DATE	PLACE	DESCRIPTION
NOVEMBER		
5	Edgerton	Cattle Commission Meeting
5	Uncas	Farm Meeting
6	Lethbridge/Retlaw	Surface Rights Meetings
6	Taber	Surface Rights Meeting
12-14	Lethbridge	Water Resources Hearings
13	Drumheller	Water Well Hearings
16	Lacombe	Surface Rights Meeting
19-23	Edmonton	Municipal Convention
22-23	Red Deer	Gas Co-op Convention
26	Round Hill	Surface Rights Meeting
27	Grande Prairie	Water Well Hearings
30	Botha	Surface Rights Meeting

MEETINGS (1984) CONTINUED.....

DATE	PLACE	DESCRIPTION
DECEMBER		
3-5	Calgary	Cattle Commission Annual Meeting
5	Red Deer	Farm Meeting
6	Leduc	Information Meeting
6	High Prairie	Surface Rights Meeting
10	Stony Plain	Water Well Hearings
10-13	Calgary	Western Stockgrowers Meeting
11	Edmonton	Rural Electric Meeting
11	Smoky Lake	Surface Rights Meeting
12	Caroline	Farm Meeting
12	Red Deer	River Basin Hearings
13	Smoky Lake	Rural Crime Watch Hearings
13	Vermilion	Surface Rights Meeting
13	Barrhead	Public Meeting
17	Thorhild	Surface Rights Meeting
17	Lethbridge	Water Well Hearings
18	Calgary	ERCB Meeting
19	Wainwright	Water Well Hearings

LAND USE - SURFACE RIGHTS - WELLS - PIPELINES

100-1/84-1	Wants to increase annual rental on oil lease	Rectified
84-2	Needs advice on negotiation of rental review	Information Supplied
84-3	Needs information on surface lease	Information Supplied
84-4	Seeks compensation for damages caused by oil company	Rectified
84-5	Seeks information on surface rights	Information Supplied
84-6	Seeks annual compensation for roadway	Assistance Rendered
84-7	Requests information on natural gas well	Information Supplied
84-8	Seeks compensation for damages to hay	Rectified
84-9	Annual compensation dispute after land is sold	Information Supplied
84-10	Seeks compensation for damages caused by seismic	Rectified
84-11	Seeks compensation for damages caused by pipeline company	Information Supplied
84-12	Seeks compensation for damages caused by pipeline company	Rectified
84-13	Seeks compensation for damages suffered from pipeline	Rectified
84-14	Damages to land as a result of pipeline	Rectified
84-15	Questions concerning well sites, mineral taxation, etc.	Information Supplied
84-16	Dispute over who is entitled to adverse effect compensation	No Jurisdiction
84-17	Seeks compensation for damages due to pipeline construction	Rectified
84-18	Requires information on compensation for well sites	Information Supplied

LAND USE - SURFACE RIGHTS - WELLS - PIPELINES (Cont'd.)

100-1/84-19	Seeks help receiving compensation for valve stations on land	Rectified
84-20	Requires information on annual compensation	Information Supplied
84-21	Dispute with oil company over leak in pipeline	Rectified
84-22	Requires information on surface rights	Information Supplied
84-23	Wants to change legislation regarding entry fee	Information Supplied
84-24	Requires information on compensation for well sites	Information Supplied
84-25	Farmer claims contract not binding because of his inability to speak English	Unable to Assist
84-26	Requires assistance in receiving monies owing for compensation	Rectified
84-27	Seeks compensation for damages to land caused by power company	Assistance Rendered
84-28	Seeks compensation for damages due to pipeline	Rectified
84-29	Concerned about oil company using sterilants on land	Information Supplied
84-30	Seeks compensation for damages due to blowout	Rectified
84-31	Requires names of all owners of gas wells	Unable to Assist
84-32	Concerned about oil spill on land	Assistance Rendered
84-33	Problem with geophysical company	Rectified
84-34	Company is working off right-of-way	Rectified

LAND USE - SURFACE RIGHTS - WELLS - PIPELINES (Cont'd.)

100-1/84-35	Seeks compensation for damages re pipeline	Information Supplied
84-36	Seeks compensation for loss of peat moss harvest due to pipeline	Unable to Assist
84-37	Seeks compensation for damages due to seismic	Requires Litigation
84-38	Requires assistance in negotiating surface lease	Information Supplied
84-39	Tree damages as a result of seismic	Rectified
84-40	Seeks compensation for damages and crop loss due to construction	Information Supplied
84-41	Requires land reclamation due to previous well site	Rectified
84-42	Seeks compensation for damages due to sourgas blowout	Under Investigation
84-43	Oil Company is late with monthly compensation payments	Rectified
84-44	Recovery of compensation on rental lease agreement	Information Supplied
84-45	Requires advice regarding surface rights	Information Supplied
84-46	Seeks information regarding caveat placed on title	Information Supplied
84-47	Requests pipeline easement to be disced and harrowed	Rectified
84-48	Pipeline cave-in	Rectified
84-49	Requires information on surface rights	Information Supplied
84-50	Renter not receiving compensation from owner	Assistance Rendered

LAND USE - SURFACE RIGHTS - WELLS - PIPELINES (Cont'd.)

100-1/84-51	Alleged weed problem on pipeline area	Assistance Rendered
84-52	Requests compensation for damages re trespassing	Requires Litigation
84-53	Increase on annual rental	Rectified
84-54	Requires assistance in receiving compensation for damages, etc.	Under Investigation
84-55	Wants to raise revenue for compensation	Information Supplied
84-56	Requires information on rental review in respect to surface rights	Information Supplied
84-57	Requests information for annual compensation for well site on farmland	Information Supplied
84-58	Unable to come to an agreement on rental review	Assistance Rendered
84-59	Requests assistance in contacting oil company regarding rental review	Rectified
84-60	Requires assistance in collecting compensation for damages	Not Justified
84-61	Requesting from Board copies of Board Orders re pipelines	Assistance Rendered
84-62	Requests for compensation for damages from sourgas blowout	Rectified
84-63	Wants compensation for damages due to sourgas blowout	Rectified

LAND USE - SURFACE RIGHTS - WELLS - PIPELINES (Cont'd.)

100-1/84-64	Wants compensation for damages due to sourgas blowout	Rectified
84-65	Oil company breaking lease agreement	Under Investigation
84-66	Encountering problems with oil company	Under Investigation
84-67	Not satisfied with amount offered for compensation	Requires Litigation
84-68	Pipeline company refuses to pay for damages to land	Rectified
84-69	Requires assistance in renegotiating compensation	Assistance Rendered
84-70	Requires assistance in calculating annual rental for well site	Information Supplied
84-71	Pipeline put on land without permission	Rectified
84-72	Feels he is entitled to more compensation	Information Supplied
84-73	Seeks compensation for damages due to sourgas blowout	Requires Litigation
84-74	Surface lease not registered with oil company	Requires Litigation
84-75	Lease agreement has been broken by oil company	Requires Litigation
84-76	Seeks compensation for damages due to oil site leakage	Rectified
84-77	Requires assistance with settlement for pipeline damages	Under Investigation
84-78	Claiming for damages due to oil company working off right-of-way	Information Supplied
84-79	Requires assistance in settling for damages as a result of gas well	Assistance Rendered

LAND USE - SURFACE RIGHTS - POWERLINES

100-2/84-1	Need information on easement with power company	Assistance Rendered
84-2	Disagreement on placement of transmission lines	Requires Litigation
84-3	Seeks annual compensation for power lines on land	Assistance Rendered
84-4	Refuses to move vegetation from under transmission lines	Rectified
84-5	Requests power company to move lin..	Information Supplied
84-6	Contract dispute with power company	Rectified
84-7	Have ceased to establish dairy operations because of interfering power lines	Information Supplied
84-8	Not receiving compensation for electrical towers on land	Assistance Rendered

LAND USE - SURFACE RIGHTS - HIGHWAYS - ROADS

100-3/84-1	Wants to alleviate problems with improved road services	Rectified
84-2	Dissatisfied with compensation from road construction	Assistance Rendered
84-3	Wants county to close a road	Assistance Rendered
84-4	County has stopped grading of access road and picking up school children	Under Investigation
84-5	Crop loss due to highway construction	Under Investigation

LAND USE - SURFACE RIGHTS - MINERALS

100-4/84-1	Needs information on mineral rights	Information Supplied
84-2	Objecting to processing fees from the royalties payable	Information Supplied
84-3	Mistake in calculating royalty payment	Rectified
84-4	Problem with overpayment of mineral right royalties	Rectified
84-5	Problem with payments of gas royalties	Information Supplied
84-6	Production royalty printouts have discrepancies	Rectified
84-7	Requires information on mineral rights	Information Supplied
84-8	Royalty concerns	Assistance Rendered
84-9	Problems in receiving of royalties	Rectified
84-10	Requires assistance with leasing of mineral rights	Information Supplied
84-11	Requires assistance with leasing mineral rights	Information Supplied
84-12	Feels breakdown of calculations of freehold mineral tax is incorrect	Under Investigation

LAND USE - SURFACE RIGHTS - GENERAL - SEISMIC

100-5/84-1	Cheque from geophysical company addressed to wrong address	Assistance Rendered

LAND USE - SURFACE RIGHTS - GENERAL - SEISMIC (Cont'd.)

100-5/84-2	Problems with seismic company	Referred to Department Concerned
84-3	Dispute re compensation with seismic company	Information Supplied
84-4	Has not been paid for completed geophysical work	Rectified
84-5	Requires information on seismic activities	Information Supplied

REAL PROPERTY - LAND PROBLEMS

110-1/84-1	Encroachment of golf course on farmer's property	Unable to Assist
84-2	Farmers wants to lease land that was sold to the Department of Environment	Abandoned
84-3	Land owner wants to break rental agreement	Rectified
84-4	Portion of land unproductive since road construction	Under Investigation
84-5	Problems with homestead sale	Information Supplied
84-6	Wants land restored after debris was buried	Under Investigation
84-7	Crops grown in previous burrow site area not producing well	Under Investigation
84-8	Has not received payment for sale of land to Improvement District	Rectified
84-9	Requires information on appealing an Alberta Planning Board Decision	Assistance Rendered

REAL PROPERTY - WILDLIFE DAMAGE

110-2/84-1	Dispute over wildlife damage claim with Insurance Company	Unable to Assist
84-2	Appealing rejection of claim to Livestock Disaster Committee	Unable to Assist
84-3	Appeal for loss of hogs due to fire disaster	Rectified
84-4	Appeal for loss of swine due to a disaster	Not Justified
84-5	Appeal loss of poultry as a result of power failure	Rectified
84-6	Wants to appeal loss of sheep to wolves	Unable to Assist
84-7	Appeal case for loss of sheep due to coyotes	Rectified
84-8	Claim for hog losses due to poisoning	Unable to Assist
84-9	Appealing Committee decision for loss of cattle	Rectified
84-10	Claims he lost 3 calves to predators	Abandoned
84-11	Appealing committee decision under program	Unable to Assist
84-12	Appealing committee decision for loss of heifer	Under Investigation
84-13	Appealing committee decision for loss of pullets due to skunk	Under Investigation
84-14	Wishes to appeal 2 predator claims turned down by Committee	Under Investigation

REAL PROPERTY - TRESPASS

110-3/84-1	Requires information concerning trespass	Information Supplied

REAL PROPERTY - EXPROPRIATION

110-4/84-1	Inquiring about expropriation	Information Supplied
84-2	Requires information on expropriation of land	Information Supplied
84-3	Requires assistance with settlement in expropriation	Unable To Assist

ENVIRONMENT - FLOODING

120-1/84-1	Seeks compensation for flooding of crop	Rectified
84-2	Flooding on arable land due to beaver dam	Unable to Assist
84-3	Neighbour draining water from land to ditch flooding his land	Assistance Rendered
84-4	Concerned with effects of town lagoon on environment, etc.	Assistance Rendered
84-5	Large area of land is continuously under water	Information Supplied
84-6	Drainage problem because of county diverting water	Referred to Department Concerned

ENVIRONMENT - FLOODING (Cont'd.)

120-1/84-7	Flooding due to culvert and beaver problems	Rectified
84-8	Alleged damages from road construction increasing run-off flow onto land	Requires Litigation
84-9	Flooding caused by insufficient ditching	Under Investigation
84-10	Flooding of land because of disturbed natural water run	Rectified
84-11	Problems with flood damage claim	Rectified
84-12	Flooding of land because of newly built highway	Unable to Assist
84-13	Farmers made a petition to establish ditch to improve drainage	Information Supplied
84-14	Flooding of land since new road construction	Under Investigation
84-15	Flooding of land due to blowing up beaver dam	Unable to Assist
84-16	Gasline construction causing flooding of land	Under Investigation
84-17	Drainage problems as a result of road construction	Under Investigation
84-18	Experiencing problems with seepage from town sewage lagoon	Under Investigation

ENVIRONMENT - WATER WELL DAMAGE

120-2/84-1	Water well damage may be caused by coal mine operation	Information Supplied
84-2	Oil drilling problem - water down 50%	Information Supplied
84-3	Problems with water well after reconstruction of embankment	Under Investigation
84-4	Problems with water well after reconstruction of embankment	Referred to Department Concerned
84-5	Reconstruction of gas well caused loss of production of water well	Under Investigation

ENVIRONMENT - GROUNDWATER

120-3/84-1	Two springs destroyed by geophysical	Rectified
84-2	Natural underground spring affected by road construction	Under Investigation

AGRICULTURE - LIVESTOCK

130-1/84-1	Seeks compensation for suspected wolf damage	Rectified
84-2	Compensation wanted for heifer lost when sent to market	Rectified
84-3	Cow condemned because of extensive bruising during transportation	Requires Litigation
84-4	Loss of heifer because of suspected natural gas poisoning	Information Supplied
84-5	Farmer feels gravel haul on roadway resulted in aborted calves	Under Investigation
84-6	Suspects monensin poisoning killed sheep	Under Investigation
84-7	Loss of cattle killed during hunting season	Rectified
84-8	Purchase of diseased cattle	Unable to Assist
84-9	Loss of bull and heifer	Unable to Assist
84-10	Insurance Company will not compensate farmer for loss of cattle	Rectified
84-11	Problems with insurance plan of the Hog Marketing Board	Assistance Provided
84-12	Requires information on ethics and contract for goat breeding	Referred to Department Concerned

AGRICULTURE - FENCES

130-2/84-1	Neighbour is purposely damaging adjoining fences	Under Investigation

AGRICULTURE - FARM MACHINERY

130-3/84-1	Purchased two combines where monies owing were paid to distributor and not received by company	Requires Litigation
84-2	Transmission from mower burned in repair shop	Rectified
84-3	Has not received seed cleaner from U.S.A. which was paid for	Unable to Assist
84-4	Farmer petitioning against company because of manufacturing defects	Unable to Assist

AGRICULTURE - BUILDING PROBLEMS

130-4/84-1	Workmanship defects in building in need of correction	Assistance Rendered
84-2	County requires engineer's approval stamp on new school building	Assistance Rendered

NATURAL GAS COOPS - PROBLEMS

140-2/84-1	Wants more compensation for gas company crossing on land	Rectified
84-2	Wants increase in compensation for gas company crossing land	Rectified
84-3	Feels that town should be responsible for payout of balance of contract	Information Supplied
84-4	Problems with utility right-of-way	Information Supplied
84-5	Gas Co-op misplaced original contract - wants him to sign a new one	Assistance Rendered
84-6	Damage to shelterbelt due to fire caused by Gas Co-op	Information Supplied
84-7	Claim for damages due to construction of natural gas line	Unable to Assist
84-8	Seeks compensation for damages due to construction of new gas pipeline	Rectified

GENERAL REQUESTS - PROBLEMS

150-1/84-1	Disagreement on proposals for replacing water	No Jurisdiction
84-2	Seeks compensation for purchase and planting of contaminated seeds	Referred to Department Concerned
84-3	Feel they were overcharged by bank on loan contracts	Information Supplied
84-4	Problem with obtaining registration papers for newly purchased horse	Rectified
84-5	Asking for assistance in milk quota problem	Unable to Assist
84-6	Farmer suspects dumping of sewage in river has caused problems when river floods	No Jurisdiction
84-7	Farmer feels unfavourable decisions were ruled against him	Under Investigation
84-8	Farmers want to borrow $150,000.00 from Government	Information Supplied
84-9	Problems with dissolving corporation	Information Supplied
84-10	Requires input on agreement of land acquisition	Rectified
84-11	Asking insurance to pay compensation for livestock damaging hay	Rectified
84-12	Seeks compensation due to construction of road & railway	Not Justified
84-13	Problems with mortgage	Rectified

GENERAL REQUESTS - PROBLEMS (Cont'd.)

150-1/84-14	Lodging formal complaint against fertilizer company for false advertising	Rectified
84-15	Charged under criminal code for using zon gun	Assistance Rendered
84-16	Dispute with regard to payment for road construction within County	Requires Litigation
84-17	Want hydrous ammonia tanks moved from present location	Assistance Rendered
84-18	Problems with County cleaning up dirt piles	Assistance Rendered
84-19	Wants caveat removed from title	Requires Litigation
84-20	Problems with collecting payment from County for stripping land	Information Supplied
84-21	Special Area will not allow farmers to purchase his leased land	Rectified
84-22	Problems with crop insurance corporation	Not Justified
84-23	Insurance corporation refuses to insure farmer	Rectified
84-24	Did not specify problem	Abandoned
84-25	Farmer being sued by family whose boy was injured	Requires Litigation
84-26	Crown suing colony for killing coyotes and selling them	Requires Litigation

GENERAL REQUESTS - PROBLEMS (Cont'd.)

150-1/84-27	Ducks Unlimited not fulfilling agreement	Under Investigation
84-28	Complaint concerning neighbour's pig barn sewage	Referred to Department Concerned
84-29	Losses of poultry due to poor quality supplement	Under Investigation
84-30	Rape damage caused by neighbour spraying chemicals	Not Justified
84-31	Discrepancy on unload figures for sale of rape	Assistance Rendered
84-32	Charged with unlawful operation of feedlot	Requires Litigation
84-33	Problems with getting loan through agency	Rectified
84-34	Financial difficulties - want power company to buy land	Rectified
84-35	Problem with insurance corporation for unseeded acreage claim	Unable to Assist
84-36	Seeks compensation for damages caused by neighbour's cattle	Not Justified
84-37	Requires information on rights of a landowner	Information Supplied
84-38	Requests for tax consideration and annexation	Information Supplied
84-39	Complaint against corporation	Referred to Department Concerned
84-40	Loss of access to land due to Government widening river	Information Supplied

GENERAL REQUESTS - PROBLEMS (Cont'd.)

150-1/84-41	Not handled fairly by Alberta Assistance Program	Requires Litigation
84-42	Claims that insecticide sprayed by aerial application harmed his honey bees	Information Supplied
84-43	Farmer feels that filling of channel may harm grazing cattle	Assistance Rendered
84-44	Dairy company will not allow them to pick up milk from their producers	Rectified
84-45	Wants government to finish one quarter mile of road into their land	Unable to Assist
84-46	Feels he has been treated unfairly by Wheat Pool	Assistance Rendered
84-47	Concerned with trees on right-of-way that County purchased	Information Supplied
84-48	Problems with new mobile home trailer	Rectified
84-49	Complaint concerning quota for milk (M.S.Q.)	Assistance Rendered
84-50	Problem with fuel and fertilizer agent	Information Supplied
84-51	Requires assistance in proceedings in bank foreclosure	Assistance Rendered
84-52	Seed cleaning plant charging for job not properly done	Unable to Assist
84-53	Rejection of application to operate inseminating business	Assistance Rendered

GENERAL REQUESTS - PROBLEMS (Cont'd.)

150-1/84-54	Claims chemical did not perform as expected	Information Supplied
84-55	Milk inhibitors found in sample of milk	Not Justified
84-56	Aerial sprayed herbicide caused crop damage	Information Supplied
84-57	County requests farmer to remedy weed problem	Information Supplied
84-58	Dispute over amount owing to insurance company	Rectified
84-59	Chemical spray damage to shelter belt	Not Justified
84-60	Seeks compensation for damages due to fire spreading from land fill site	Unable to Assist
84-61	Complaint regarding dugouts on neighbour's property upstream	Information Supplied
84-62	Problems with sale of rocks	Information Supplied
84-63	Government neglecting to clean up brush, rocks, etc. left from road rebuilding	Rectified
84-64	Garden damaged from herbicide spray	Requires Litigation
84-65	Shelterbelt damaged by power company spraying herbicide for weed control	Assistance Rendered
84-66	Problems regarding non-transfer of milk quota	Not Justified

GENERAL REQUESTS - PROBLEMS (Cont'd.)

150-1/84-67	Farmer having problems getting loan for hog barn	Referred to Department Concerned
84-68	Farmers dairy operation got shut down by Government	Referred to Department Concerned
84-69	Damages to crop due to aerial herbicide spraying	Not Justified
84-70	Problems with Revenue Canada	Unable to Assist
84-71	Damages caused by fire from garbage dump	Information Supplied
84-72	Requires assistance in investigating herbicide spray damage	Rectified
84-73	Does not feel responsible for replacement costs of power pole which he damaged	Rectified
84-74	Requires assistance in receiving longer terms for payout of loan from bank	Assistance Rendered
84-75	Concerns expressed over reassessment by Revenue Canada	Information Supplied
84-76	Requests information regarding legality of deferring receipts of hail or drought claims to next year	Referred to Department Concerned

RURAL ELECTRIFICATION PROBLEMS

160-1/84-1	Feels they are being charged too much for power	Information Supplied
84-2	Complaint against County and Rural Electrification Association concerning powerlines	Rectified
84-3	Dispute over easement for transmission lines	Rectified
84-4	Problems with local Rural Electrification Association	Information Supplied
84-5	Feels they are being charged too much for power	Information Supplied
84-6	Problems with power company over unpaid bills	Assistance Rendered
84-7	Power company entering land with no lease	Information Supplied
84-8	Problems with discontinuation of gas service	Information Supplied
84-9	Problem with getting farmer to sign easement	Information Supplied
84-10	Company put an idle service on property	Referred to Department Concerned
84-11	Farmer is requested to move new building constructed over gas transmission line	Rectified

SOURCE OF COMPLAINTS BY LOCATION

ALDER FLATS	1	CALAHOO	1
ALLIANCE	1	CALGARY	3
ALLSCOTT	1	CALMAR	1
ALTARIO	1	CAMROSE	3
ANDREW	3	CAROLINE	1
ATHABASCA	1	CARROT CREEK	1
ATMORE	1	CARSTAIRS	1
BALZAC	1	CASTOR	3
BARRHEAD	3	CEREAL	1
BELLIS	1	CHAMPION	1
BENTLEY	1	CHERHILL	1
BLACKFALDS	1	CLEARDALE	1
BLUEBERRY MOUNTAIN	1	CLIVE	1
BLUFFTON	1	COALDALE	3
BON ACCORD	1	CONSORT	1
BONANZA	2	CORONATION	2
BONNYVILLE	2	COUTTS	1
BOTHA	1	CROOKED CREEK	3
BOYLE	2	CZAR	1
BRETON	2	DAYSLAND	1
BROOKS	3	DEADWOOD	1
BUCK LAKE	1	DEBOLT	1
BUFFALO HEAD PRAIRIE	1	DELBURNE	1
CADOGAN	1	DONALDA	1

SOURCE OF COMPLAINTS BY LOCATION (CONTINUED)

DRAYTON VALLEY	8	HYTHE	1
DUFFIELD	3	INNISFAIL	1
ECKVILLE	7	INNISFREE	1
EDMONTON	16	IRON RIVER	1
ENDIANG	1	JARVIE	1
ESTHER	1	LAC LA BICHE	1
EVANSBURG	4	LACOMBE	2
FAIRVIEW	1	LEDUC	1
FENN	1	LEGAL	3
FLATBUSH	1	LETHBRIDGE	3
FORT ASSINIBOINE	1	LODGEPOLE	2
FORT KENT	1	LOMOND	1
FORT SASKATCHEWAN	1	LOUGHEED	1
GADSBY	1	LOUSANA	1
GALAHAD	1	MAGRATH	1
GRANDE PRAIRIE	2	MANNVILLE	1
GRIMSHAW	1	MAYERTHORPE	1
GUNN	1	MEDICINE HAT	3
GWYNNE	1	MILK RIVER	1
HANDHILLS	1	MILLET	1
HANNA	2	MILO	1
HARDISTY	1	MONARCH	1
HIGH LEVEL	1	MORINVILLE	3
HINES CREEK	1	MORRIN	1

SOURCE OF COMPLAINTS BY LOCATION (CONTINUED)

MUNDARE	2	SMOKY LAKE	4
MYRNAM	1	SPEDDEN	1
NEW NORWAY	1	SPRUCE GROVE	1
NITON JUNCTION	1	SPRUCE VIEW	1
NOBLEFORD	1	STANDARD	1
OHATON	1	STETTLER	1
ONOWAY	4	STONY PLAIN	5
PEERS	1	SUNDRE	3
PINCHER CREEK	2	SYLVAN LAKE	1
PLAMONDON	1	TAWATINAW	1
PONOKA	3	THORHILD	4
RAYMOND	2	THORSBY	1
RATCLIFF	1	TOFIELD	2
RED DEER	3	TROCHU	1
RIMBEY	4	TWO HILLS	5
ROCKY MOUNTAIN HOUSE	6	VALHALLA CENTRE	1
ROLLY VIEW	1	VALLEYVIEW	2
RYLEY	1	VEGREVILLE	3
ST. ALBERT	2	VIKING	2
ST. MICHAEL	1	VIMY	1
ST. PAUL	2	WAINWRIGHT	1
SEDGEWICK	1	WALSH	1
SEXSMITH	3	WARBURG	5
SHERWOOD PARK	1	WASKATENAU	3

SOURCE OF COMPLAINTS BY LOCATION (CONTINUED)

WELLING	1
WEMBLEY	1
WESTLOCK	3
WILDWOOD	1
WILLINGDON	4
WETASKIWIN	2
WHITELAW	1
WORSLEY	1

CASE SUMMARIES

100-1/84-13

The complainant maintains that an oil company surveyed a pipeline across his land and during the survey created damages. He was told that these would be settled at the time the pipeline easement was taken. However the pipeline company moved the pipeline to adjoining property as they felt the original landowner was too difficult to deal with. The original landowner therefore sought damages for the original survey which consisted of trees being cut and fences destroyed. The company refused payment and an on-site meeting was held.

It was apparent that many of the fences that were being claimed for by the farmer were not in effect actual fences and that the tree damage consisted, in many cases, of nothing more than minor brush damages. An amount was agreed to that was acceptable to the company and the farmer and the matter was resolved amicably.

160-1/84-11

The complainant contacted this Office after it became obvious that he had constructed a new building on top of a gas line. He indicates that he requested the utility company to flag the line prior to construction. He maintains that the line was incorrectly marked by the utility company, hence the building being erected over the line. The utility company maintains that the line was properly flagged and that the farmer, in spite of this, built over the easement.

A meeting was held and there appeared to be an honest misunderstanding, however the problem still had to be rectified by moving the building in question. It was agreed that each party would pay 50% of the costs of moving. This solution was agreeable to by both parties.

100-1/84-48

The complainant maintains that during the installation of the pipeline certain damages were done to his land and the company had failed, or was unable to rectify them to the landowner's satisfaction.

Attempts were made to have the company complete cleanup but due to timing, weather, and equipment commitments, they were unable to do so at a time thought suitable by the landowner.

It was recommended to both sides that an amount be agreed upon which would compensate the landowner for completing the cleanup, and it would then be the responsibility of the landowner to do so.

An on-site meeting was held with both parties present and such an amount was agreed to.

This matter was resolved.

100-1/84-30

The complainant maintains due to a sour gas blow out at his new ranching location his move from Southern Alberta was severely interfered with in that his move had to be stopped, and in fact moved back to Southern Alberta, until the situation was rectified with the sour gas well. As a result of this the complainant incurred additional costs in moving - - mileage, accommodation, hauling of feed and livestock, and other associated expenditures. He was unable to reach resolvement with the company and this Office became involved in an attempt to mediate it.

After a meeting with senior officials of the company the matter was resolved to the satisfaction of both parties.

110-1/84-7

The complainant contacted this Office indicating that the County and Department of Transportation had put a road through his land. During construction a burrow pit was made. The farmer was paid for the crop loss at that time but there was some question as to crop loss the following year.

The County indicated that it was not their responsibility as this was an additional agreement entered into by the Department of Transportation.

The Department of Transportation was contacted and once the matter was brought to their attention a meeting was held with the landowner and the issue was resolved to the satisfaction of all parties concerned.

100-4/84-3

A complainant contacted this Office regarding royalty payments in production on an oilwell.

It appeared oil was being trucked out of the battery and the recording of the amounts so taken was questionable. A period of one or two months showed no production although the complainant maintains the oil was consistently taken out as the well was always pumping. The company was approached. They indicated that there was an overpayment and to equalize, payment was suspended for a certain period. The complainant felt that this explanation was not satisfactory and contacted this Office.

After the production records were examined it was apparent that a mistake could have been made, though not deliberately, by the company and they agreed to give the benefit of the doubt to the complainant.

100-4/84-4

A complainant contacted this Office raising concern over oil royalty payments. It appeared that overpayment had taken place and that the company advised the complainant that so much money would be withheld by them. No further explanation was given. The complainant contacted the company, but was unsuccessful in obtaining any answer to his inquiries.

We contacted the company on his behalf, received the proper documentation and explanation, and forwarded this on to the complainant. An amount was agreed to which the complainant felt reflected the overpayment. This was no more than a case of a complainant being able to receive information through this Office that he was unable to receive on his own efforts.

The complainant was satisfied with the explanation given by the company.

150-1/84-13

The complainant contacted this Office indicating that he had taken out some financing by way of a mortgage on his farm and found himself in the position of being able to repay the loan earlier. As there was no prepayment clause he was being penalized excessively.

Contact was made with the lending institution and financing negotiations entered into. It was agreed that the mortgage could be renegotiated or paid out at any time with the standard three-month penalty clause.

We were informed by the farmer that the three-month penalty provision was adhered to and the mortgage was paid out, thereby saving him many thousands of dollars.

130-1/84-10

The complainant contacted this Office indicating that he had several head of livestock go missing. He had specifically taken out insurance for this the previous year as he had sustained a loss due to, he thought, cattle rustling. His insurance policy specifically covered theft however it exempted "mysterious disappearance". He indicated that the adjuster refused his claim indicating that it was "mysterious disappearance" and not theft. The fence was down in one area and there were horse tracks in the field where his cattle were. The complainant did not have any horses.

We contacted the insurance adjuster who indicated he had, at no time, turned down the complainant and that the complainant had never filed a loss, he had only spoken to him verbally at which time the complainant assumed automatic denial.

We had the complainant submit the circumstances surrounding his loss and we were informed by him that his claim was honoured by the insurance company.

150-1/84-58

The complainant contacted this Office advising that he had been denied coverage under his crop insurance. He indicates that when he elected the different types of grain that he planted on his farm he was not aware that durum wheat was not classified under spring wheat. Consequently when the claim was made for damage it was denied.

A meeting was arranged with the crop insurance and the farmer and an agreement was reached which the farmer found satisfactory.

120-3/84-2

The complainant contacted this Office regarding a rejection under the Livestock Predator Compensation Program. He maintained that wolves chased his cattle out unto a lake and they fell through the ice and drowned. He was turned down as there appeared to be no evidence that wolves caused the problem.

After investigation by contacting many farmers in the area, as well as Fish and Wildlife, it was apparent that wolves were and are a continuing problem in the area and that surrounding neighbours had experienced similar problems with wolves stampeding cattle, as well as associated cattle loss. Reports of wolves in the immediate vicinity corresponded with the time span in which these cattle were lost, as well as actual wolf sightings in the area. This was not the first time that wolves had stampeded the cattle.

The complainant's claim was re-examined and a portion of the cattle loss was paid.

100-1/84-9

Land was sold from one farmer to another however no specific mention was made of the surface lease and the money therefrom accompanying the land or being retained. It was not specifically excluded or included in the sale of land and as such the well site and income transferred to the new owner.

The vendor indicated that this was not his intention however there was no provision made in the Agreement for Sale. We had to advise the vendor that due to lack of documentation it would appear that the lease would go in its entirety to the new owner.

130-2/84-1

We were contacted by two farmers involved in a fence dispute. One farmer maintains that the other in removing brush, ripped out a portion of his fence thereby forcing him to incur the responsibility and costs of replacing it. The other farmer maintains that this brush was on his land and was cleared out to make more land available to him. He, in turn, made demands on the Municipal District to open a road allowance that the other farmer was using as part of his cattle feeding area.

The Municipal District did not wish to see this matter escalate and an on-site meeting was held. The recommendation of this Office was that the road allowance, during the haying season, be closed, which would allow access to the one farmer's field, and to be left open for the remaining period to allow feeding cattle. The damage to the fence appeared to be questionable and we were not in a position to pursue that aspect further although it was tentatively agreed that the situation would stay "as is".

Our recommendation was submitted to both farmers in the Municipal District. One farmer in the Municipal District agreed, however the other farmer did not and has since commenced legal action to recover costs to damaged fencing. The other farmer has since withdrawn his consent and is proceeding to have the road allowance opened, thereby not allowing the other farmer to use it at all for livestock feeding.

The matter is to go to litigation.

120-3/84-2

The complainant contacted this Office indicating that approximately ten or twelve years ago the Department of Transportation entered into an agreement to construct a road through his property. The road effectively cut off a natural spring water supply which was used for the major portion of the complainant's pasture. Part of the agreement was that a well would be constructed at the Department's expense and that water would be guaranteed as fences were constructed in such a fashion that the complainant was not in a position to gain access to the spring. Over the ensuing years production of the well tapered off so that it was unuseable. The spring continued to flow although the complainant was not in a position to benefit from it.

Transportation was contacted. The farmer wanted alternate water or the original well to be redeveloped, however there was some problem in reaching agreement on this as the Department was concerned about the length of time that they would be held responsible for supplying water.

An agreement was reached which satisfied the complainant and allowed the Department of Transportation to obtain a release so that any future problems would be the responsibility of the complainant.

The complainant felt that the settlement extended to him by the Department of Transportation was satisfactory and the necessary documentation was signed.

110-2/84-3

The complainant contacted this Office regarding a rejection under the Livestock Disaster & Predator Indemnity Program. He was turned down on the basis that insurance for the losses was obtainable and as he had not taken it out the losses to his hog operation would not be forthcoming under the program.

Theoretically, insurance was available however it was shown to the Committee that it was not a good management decision in this case to have taken out insurance due to the high costs of insuring all the buildings and livestock.

It was expressed to the Committee that the farmer was a good hog operator which was attested to by the fact that he had been in business for twelve straight years. Insurance was held in place but not enough to cover all losses, and a portion would have to come out of the operation.

It was expressed to the Committee that this was a disaster and that he should not have been rejected solely on the fact that his losses were insurable, and it was explained to them with facts and figures that such an expense was not realistic.

The Committee felt the appeal was justified and a portion of the loss was paid.

120-1/84-14

The complainant contacted this Office indicating that his field was being subjected to flooding problems as a result of construction of a roadway jointly by the Municipal District and the Department of Transportation. It appeared that inadequate ditching and culverts were established when the road was originally constructed and that the flooding problems became worse over the years to the point that the farmer demanded that the problem be rectified.

The Municipal District agreed to go in and participate in the costs of a drainage scheme, however they wanted the farmer to donate approximately one acre of his land for $1.00. The complainant indicated that if this was a natural drainage operation caused by natural occurrences, he would not have any objection. However he indicates that as the problem was caused as a direct result of the Municipal District and the Department of Transportation, and that he had lived with this inconvenience for the past ten years, he should not now have to give up one acre of his land to rectify a problem of which he had no part in causing.

We felt circumstances were such that his complaint was valid and contacted Council for the Municipal District and expressed our concern.

The matter was discussed by Council, who refused to go along with our recommendations, and the landowner is progressing with this matter through litigation.

100-1/84-12

We were contacted by a group of farmers who indicated that they had been approached by a gas utility company for an easement to rebuild a line and that they were offered only $1.00 for the easement. They indicated that they were not in agreement with this and requested a substantially larger amount.

The utility company, on the other hand, indicated that all rural connections in gas distribution areas were obtained with a $1.00 payment and that 90% of this line had settled for this amount. They felt that if more was paid, it would establish a dangerous precedent and they would have to go back and settle with all those that had agreed to date, as well as pay more for any future acquisitions. The farmers on the other hand were just as adamant about not allowing the line on their land for $1.00.

A meeting was held with all parties concerned and it was agreed that the service line would be brought down existing road ditches and hooked into existing service lines into the farmers' residences, thereby not necessitating any easements to be obtained from the farmers, nor the utility company having to break with the precedent of paying $1.00.

This was settled to the satisfaction of all parties concerned.

100-1/84-79

The complainant contacted this Office complaining that an oil company, through the construction of their fences on the well site and roadway, had and was causing him inconvenience to his cattle operation.

An on-site inspection was held with the company and the complainant. It came out at the meeting that the farmer had insisted that the company fence off the well site and roadway and was now claiming for inconvenience caused to his operation by the placement of the fence and gates. It was explained to the farmer that the company had constructed the fencing and gates in the fashion so directed by him. It was unfair, in our opinion, to now turn around and accuse the company of added inconvenience when the company would have installed gates or done whatever was necessary to accommodate him at that time.

It was agreed that a portion of the existing fence would be removed by the complainant and for so doing he could retain the posts and fencing material, as well as a certain sum to be paid for "extras" done to date.

It was felt that the company was more than fair and this was settled to the satisfaction of all parties concerned.

150-1/84-32

Our Office was approached by a farmer who had been summoned to Court by the Local Health Unit for alleged violation of the minimum distance requirements of the Provincial Health Act as they relate to feedlots. - - The Farmers' Advocate advised the farmer on his most appropriate course of action which resulted in his obtaining legal counsel.

The farmer subsequently won his case in the Court on the basis that the farm had been in operation for approximately forty years with the operation being virtually unchanged.

The Judge in this case was critical of legislation concerning feedlots. He indicated in his Judgment that the definition of feedlot "Any land enclosed by a fence or other means which is used or intended for use for the purpose of feeding cattle in confinement" is too broad in definition to be useful and could be applied to any animal in any sized field and that the legislation should be made more specific.

This file is closed but not forgotten.

100-1/84-53

A complainant contacted this Office indicating that a well site and roadway was leased to a company seven years prior based on a certain number of acres. Many years and one company later, it was apparent to the owner, upon closer examination, that the area taken for roadway and well site exceeded that which was outlined on the original documentation. It was obvious to this Office that the original sketch plan was not adhered to in its entirety and indeed more acreage was taken. However it was not to such a degree that it was noticeable by the landowner and went on for many years.

The new company which had taken over the lease indicated that they did not originally acquire it and as such had no responsibility. A research of the matter indicated that the landowner was aware that the preliminary sketch plan was more or less, and that it was subject to change. However this Office felt that the landowner was entitled to some additional compensation as more land was indeed taken, whether it was deliberate or not.

An amount was agreed to by the company for past losses. The rental review was adjusted accordingly based on the revised Plan of Survey for additional acreage.